ZONING COMMISSIONER . OF BALTIMORE COUNTY 3rd Councilmanic District \* Case No. 93-343-A George W. Kelly, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

. . . . . . . . . . .

This matter comes before the Zoning Commissioner as an administrative variance filed by George W. and Marietta V. Kelly, for that property known as 3205 Caves Road in the Owings Mills section of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 18 ft., in lieu of the required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits 5 of submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.E.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

IS ORDERED by the Zoning Commissioner for Baltimore day of May, 1993 that the Petition for a Zoning Variance 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 18 ft., in lieu of the required 50 ft., for an addition, he and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated May 5, 1993, attached hereto and made a part thereof.

> Zoning Commissioner for Baltimore County

LES/mmn

(number of feet of right-of-way width)

then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15'

F7 2

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

May 13, 1993

Mr. and Mrs. George W. Kelly 3205 Caves Road Owings Mills, Maryland 21117

> RE: Petition for Administrative Variance Case No. 93-343-A 3205 Caves Road

Goorg W. + Maria Ha Kelly

COVOS RE

Raitimore County

Zoning Administration &
Development Manageme

Location of property: 1/5 Cover Rd. 1600'+ From Garnion Fornt Rd

Location of the Facing 100 dway, at on trong of drive way looding

ITEM# 307

Dear Mr. and Mrs. Kelly:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

LES:mmn

Date of return: 4/99/93

O3AO3NOO31NTCHRC

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3205 Caves Road

This Publics shall be filed with the Office of Zening Administration & Development Management.

The undereigned, legal conser(s) of the property situate in Baltimore County and which is described in the description and plat attached The undereigned, legal owner(s) of the property situate in mammore County and Transfer and made a part hereof, hereby polition for a Variance from Section(s) IAO4 3.B. 3; BCZR, TO PERMIT A SIDEYARD SETBALK OF 18' IN LIEU OF THE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

The narrowness of the lot precludes compliance with the setback requirements, but the proposed addition continues in a manner consistent with the footprint of the grandfathered and pre-existing main structure.

Property is to be posted and advertised as prescribed by Zoning Regulations. t, or we, agree to pay expenses of above. Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		I/We do solemnly declare and affirm, under legal owner(s) of the property which is the su Legal Owner(s):	the panalties of payury, that thre are th bject of this Pattion
	<del></del>	George Whitthorne Kelly	
		Gene w Xell	
	<del></del>	(Type or Print Name)	<del></del>
State	Zipcode	Mariette van	derther lelle,
	<del></del>	3205 Caves Road	(W)410 347-7320 (H)410 356-9379
		Owings Mills	MD 21117
			State Zipcode intalive to be contacted.
Phone	No.		
State	Zipcode	3205 Caves R	d. 416 556.9379
	Phone	Phone No.	State  St

**Baltimore County Government** Office of Zoning Administration

and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

Posting fees will be accessed and paid to this office at the time

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	SPANOZD GADDOM, DIRECTOR
Case No.: Item No.: 357	
Petitioner: MARIETTA KELLY	
OCATION: 3205 CARS PD.	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: SMF	
ADDRESS:	
PHONE NUMBER: 356-9379	

(Revised 3/29/93)

\* Miles th westered Proper

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are compatent to testify thereto in the event that a public hearing is acheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 3205 Caves Road

Owings Mills That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Variance at the above address: (nellows hardest) or pressed effects upon which I/we base the request for an Administrative

Variance at the above address: (nellows hardest) or pressed effects upon which I/we base the request for an Administrative

Variance at the above address: (nellows hardest) or pressed effects upon which I/we base the request for an Administrative

Variance at the above address: (nellows hardest) or pressed effects upon which I/we base the request for an Administrative rectangular lot, approximately 720 by 63 ft, at a distance of about 300 ft from

Patmore Road. The footprint of the main structure is 26 ft wide and set back 12 ft from the west side and 25 ft from the east side of the lot. A concrete stairwell to the basement extends 7 feet from the main structure and is set back 18 ft from the east side of the lot. An addition is proposed to extend the house to the south, maintaining a setback of 12 ft along the west side and 18 ft along the east side of the lot. The narrowness of the lot precludes compliance with the setback

requirements, but the proposed addition continues in a manner consistent with the footprint of the grandfathered and pre-existing main structure.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising five and Marietta van der Heer Keller

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my head and Notarial Scal. 4/6/93

George Whitthorne Kelly

Marietta vanderMeer Kelly

√- Zoning Description Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. ZONING DESCRIPTION FOR 3205 CAUES RD DWINGS MILE MD 2/117 Election District 20 (address)
Councilmanic District 30 Beginning at a point on the South (north, south, east or west) wide at a distance of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street CARRISON FORESTRO

As recorded in Deed Liber 7466, Folio 0712, beginning from a point on the South side of Caves Road, 1,600 ft East of the intersection with Garrison Forest Road, 83°47'54"E 694.38',888°01'54"E 64.35', 83°47'54"W 746.19', 850°53'33'W 78.46' to the place of beginning.

se tone benkerel se me racernar ni urer mor and north number. Liber \_\_\_\_, Folio \_\_\_ and include the measurements and directions (metes and bounds only) here and on the plat in the

22" W. 80 ft. to the place of beginning.

(410) 887-3353

George and Herietta Kelly 3205 Caves Road Owings Hills, Haryland 21117

Ba: CASE MIRMER: 93-343-A (Item 357) S/S Caves Bond, 1600' (+/-) from c/l Garrison Forest Bond 3rd Election District - 3rd Councilmunic Petitioner(s): George Whitthorne Kelly and Heristta vandarHeer Kelly

Dear Petitioner(s):

111 West Chesapeake Avenue

Towson, MD 21204

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 25, 1993. The closing date (May 10, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) desend that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are psyable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Maryland Demartment of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff

4-15-93

HELENE KEHRING Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County
Item No.: + 357 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: / April 16. 1993

FROM: Jerry L. Pfeifer. Captain Fire Department SUBJECT: Zoning Petitions

> #352B No comments #353 No comments #354 No comments #355 No comments #356 Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code. #357 No comments #358 No comments #359 No comments

Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

cc: File

#360

ZADM

Hearing Date: SUMMARY OF RECOMMENDATIONS Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

TO: Arnold Jablon, Director

DATE: April 22, 1993

INFORMATION

Item Number:

Petitioner:

Zoning:

Property Size:

Requested Action:

SUBJECT: 3205 Caves Road

Zoning Administration &

FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

Development Management

George Whitthorne Kelly

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

357 280/2801

Pg. 1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

May 5, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordidator, DEPRM

white SUBJECT: Zoning Item #357 Kelly (G. W.) Property; 3205 Caves Road Zoning Advisory Committee Meeting of April 19, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Baltimore County's Forest Conservation Regulations apply to this

2. Field inspection revealed a dug well southwest of the house and also a collapsed septic tank manhole riser. The abandoned dug well must be backfilled in accordance with the State law and the septic manhole riser must be repaired before issuance of a building permit. The applicant may contact Mr. Thomas H. Ernst of the Ground Water Management Section at 887-2762.

KELLY/TXTRMP

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

August 4, 1993

(410) 887-4386

Mr. and Mrs. George Kelly 3205 Caves Road Owings Mills, Maryland 21157

> RE: Petition for Administrative Variance Case No. 93-343-A Property: 3205 Caves Road

Dear Mr. and Mrs. Kelly:

This is to acknowledge receipt of your letter dated August 2, 1993, with enclosures. I have reviewed your letter and the exhibits attached thereto, as well as re-inspected the above file.

As I understand the situation, your original Petition for Variance relief requested approval of an 18 ft. setback from the east side of the proposed addition to the property line, in lieu of the required 50 ft. However, after a field inspection of the site, it has been discovered that the actual setback will range from 12 ft. at its minimum distance to 18 ft. at its maximum. Thus, a variance must be granted to accommodate the minimum distance (12 ft.).

Based upon the information in the file, I am in agreement with your assertion that this requested change is minimal in scope and within the spirit and intent of my prior Order. Thus, I will amend same by attaching this letter to the Order for inclusion in the case file. Further, this letter shall serve as written confirmation of said amendment during the

Please do not hesitate to contact me if any further information is required, or if you have any questions pertaining to this matter.

ZONING COMMISSIONE

August 2, 1993

VIA HAND DELIVERY

Zoning Commissioner Suite 113 Courthouse 400 Washington Avenue Towson, Maryland 21204

ATTN: Lawrence E. Schmidt

Re: George and Marietta Kelly 3205 Caves Road ("Property") Case No. 93-343-A Item 357

Order of Administrative Variance (May 17, 1993)

Dear Commissioner Schmidt:

On May 17, 1993, your office granted an Administrative Variance for set back lines for a new addition to be built at the above-referenced Property. An Order was issued by your office which granted the Administrative Variance and authorized an 18-foot set back line on the east side of the house to accommodate an addition that added seven feet to the width of the footprint of the existing house. The existing western boundary of the house is 12 feet from the Property line and that set back will be maintained with the new addition and, therefore, no variance was needed for that side of the house.

In response to our Petition, no adverse comments were received from the neighbors or the reviewing County agencies. The only identified comment by County agencies related to the filling of an old septic area, which will be done with the construction of the new addition. As you know, from the information submitted in the original Petition for Administrative Variance, the new addition will be adjacent to a horse field and the only nearby residential improvements in that area are some 100 yards from the proposed addition. The Property is particularly narrow and long and neither the existing house nor any addition could possibly comply with

Zoning Commissioner August 2, 1993

In the course of preparing a building permit, our builder identified that the initial survey lines undertaken by J. Finley Ransone and attached to our Petition for Administrative Variance improperly showed the lines of the house parallel with the Property boundary lines. (Exhibit A). As a result, the set back line on the east side of the house should instead range from 18 feet to 12 feet, depending on where you measure along the north-south axis.

We submit this letter after speaking with Gwen Stevens of the Baltimore County Zoning Office. She suggested that we draft this letter, attach the amended survey drawing (Exhibit B) and seek a clerical amendment to your Order for an Administrative Variance to address this survey discrepancy. We strongly believe that the amended set back line still falls well within the spirit and intent of your initial Order and the regulations applicable to administrative variances for set back lines.

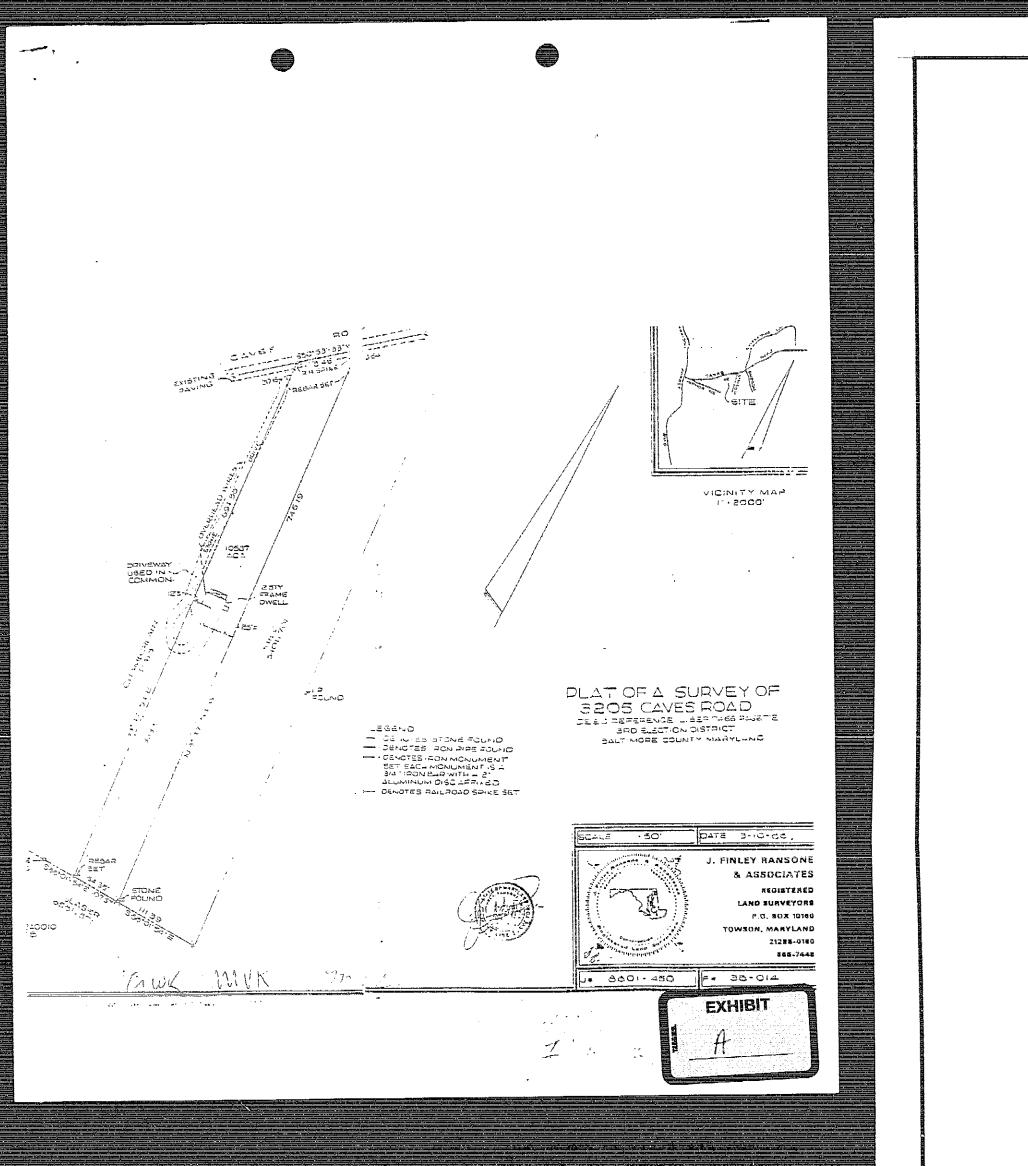
We urgently request your expeditious review of this matter and respectfully request that you grant a clerical amendment to your Order of May 17, 1993 to authorize a set back line of 12 feet, without reopening this matter for full review. The application for a building permit and the initiation of building is pending and dependent upon your expeditious decision. Should decision making not be forthcoming, it may preclude building this year.

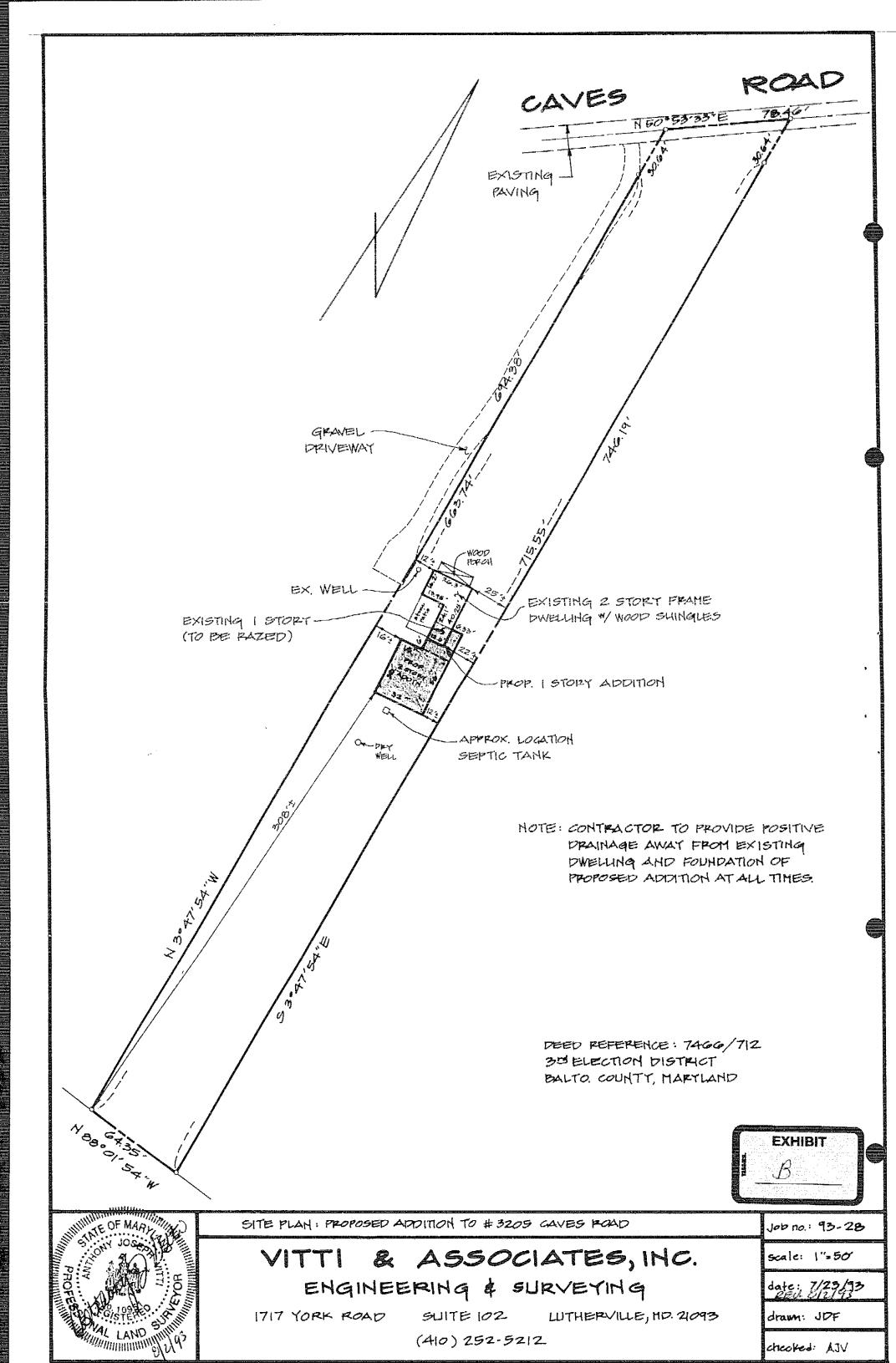
Should you have any questions, please contact either one of us (Marietta - 356-9374) or (George - 347-7320).

Thank you for your consideration.

Very truly yours,

George Witel George W. Kelly





93-343-A



93-343-A

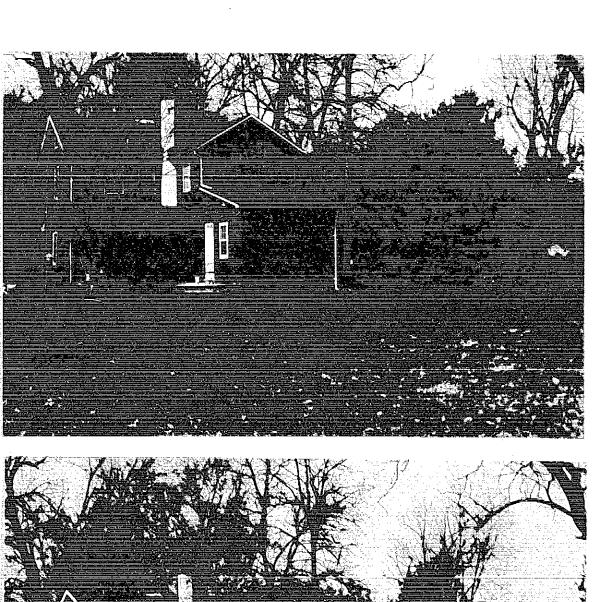


93-343-A

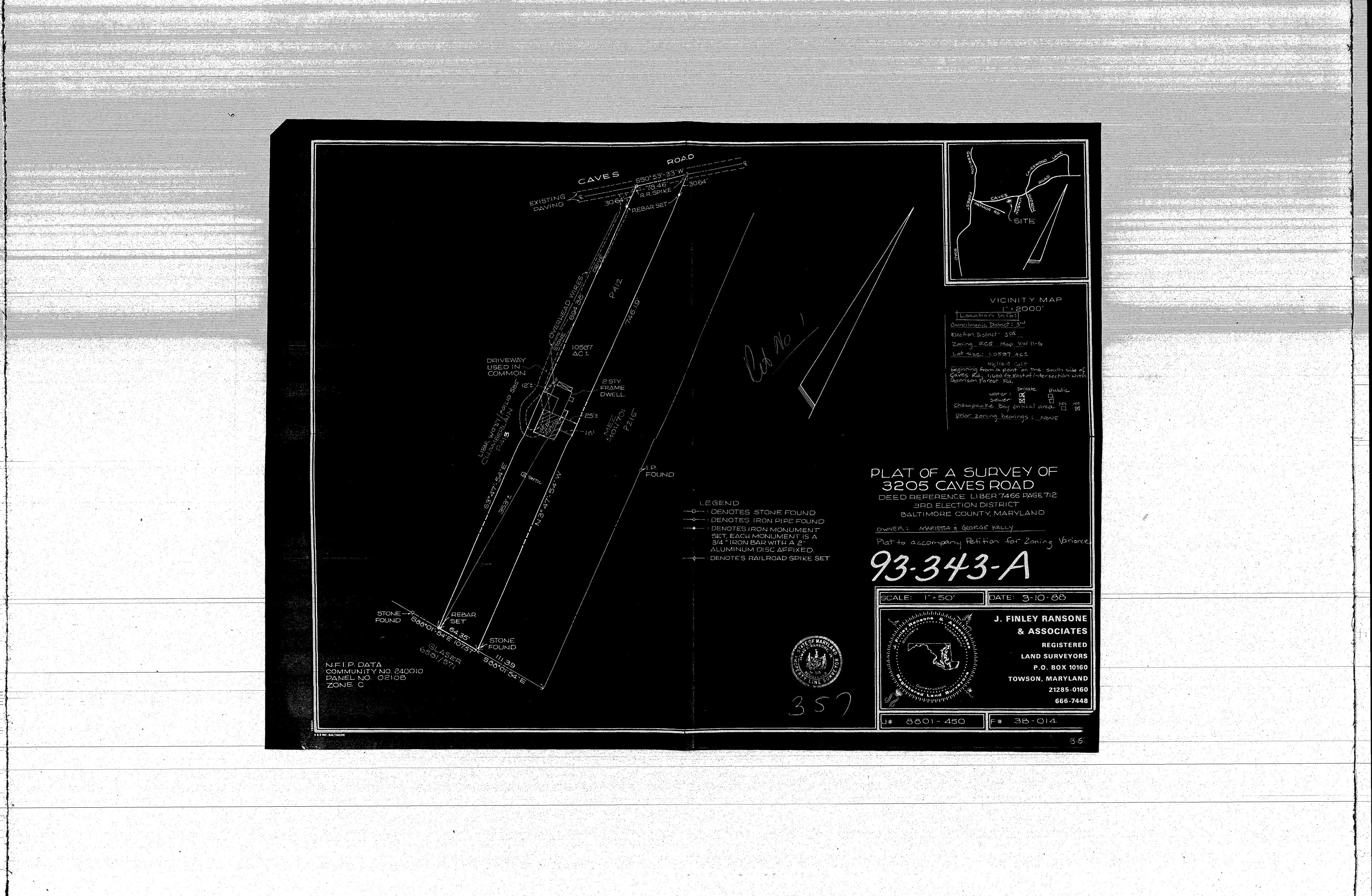


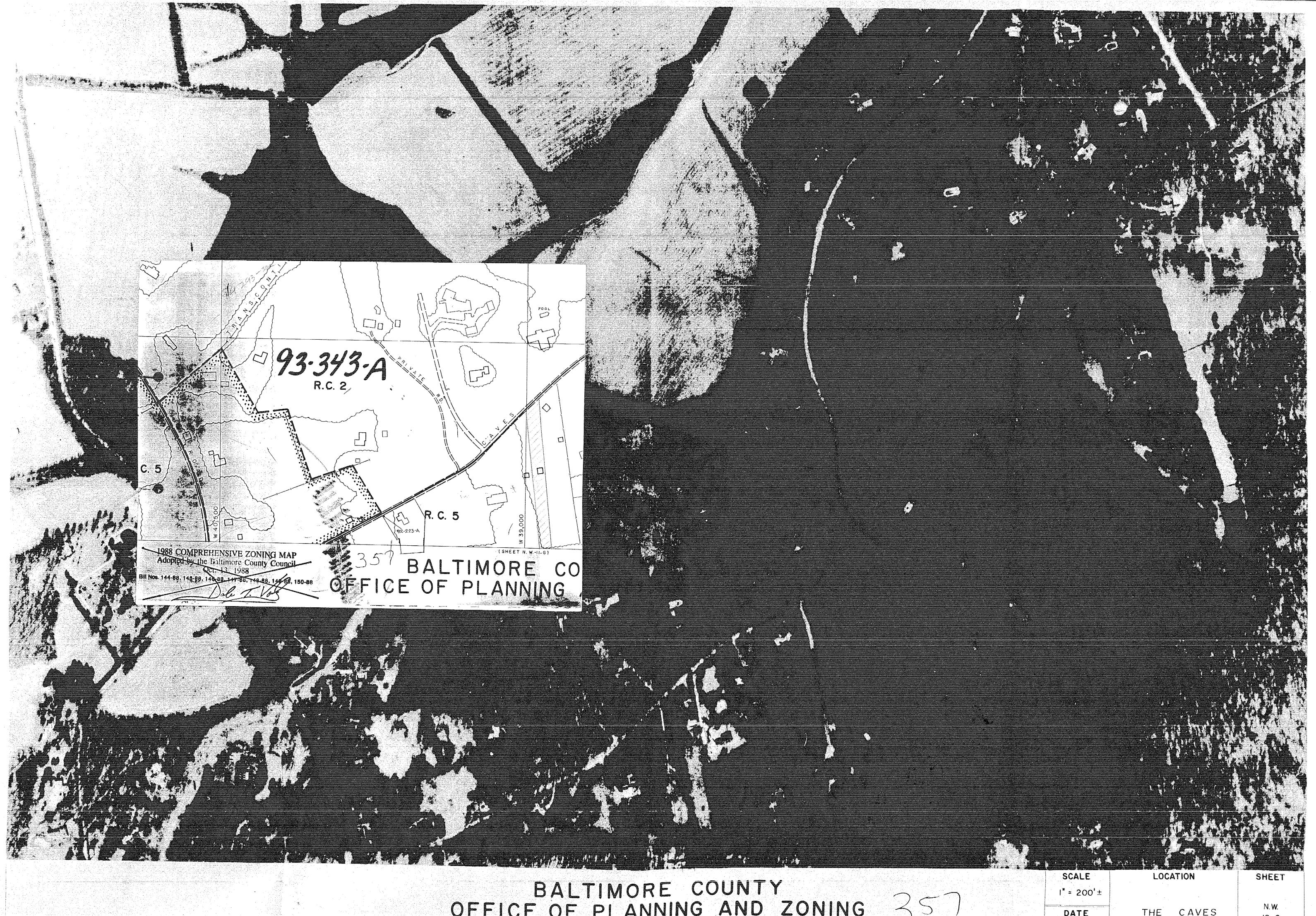


93-343-A









PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

OFFICE OF PLANNING AND ZONING SS PHOTOGRAPHIC MAP

**4.** 

DATE OF

PHOTOGRAPHY JANUARY

THE CAVES

MICROFILMED